

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**MAI LARSEN DESIGNS,**

*Plaintiff,*

**vs.**

**WANT2SCRAP, LLC, MICHELLE  
PARRISH, CREATIVE SCRAP  
DESIGNS,**

*Defendants.*

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**CIVIL NO.  
SA-17-CV-1084-ESC**

**ORDER**

Before the Court in the above-styled and numbered cause of action<sup>1</sup> are Defendants/Counter-Plaintiffs Want2Scrap, LLC, and Michele Parrish's Motion to Compel Production of Documents or, in the Alternative, Motion for Sanctions [#53] and Plaintiff/Counter-Defendant Mai Larsen Designs and Counter-Defendants Mabel Larsen and Creative Scrap Designs' Motion to Compel Production of Documents or, in the Alternative, Motion for Sanctions [#60]. In resolving these motions, the Court has also considered the responses and replies filed by the parties [#59, #65, #67, #69].

The procedural history of this case begins in the Northern District of Indiana, where Want2Scrap, LLC, filed a complaint against Mabel Larsen, Mai Larsen Designs, and Creative Scrap Designs (collectively, "Plaintiffs"). The next day, Mai Larsen Designs commenced this action against Want2Scrap and its owner, Michele Parrish (collectively, "Defendants") [#1]. The Indiana case was transferred to this Court and consolidated with this case. The parties have consented to have a United States magistrate judge conduct all proceedings in this case, including the entry of a final judgment [#17, #18].

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<sup>1</sup> Michele Parrish is incorrectly identified in the heading of this case as "Michelle Parrish."

A scheduling order was entered on June 22, 2018 [#26], and the deadlines therein were extended on August 28, 2018 [#33]. As relevant here, the Amended Scheduling Order included a discovery deadline of February 14, 2019.

On February 14, 2019, Defendants filed a motion to compel and motion for sanctions [#53]. On March 13, 2019, Plaintiffs filed a motion to compel and motion for sanctions [#60]. The Court held a hearing on the motions on March 27, 2019, and all parties appeared through counsel of record. After considering the motions, the responses and replies thereto, the entire record in this matter, the applicable law, the parties' pre-hearing joint advisory [#70], the agreements of the parties confirmed on the record, and the arguments made at the hearing, the Court made certain oral rulings and stated its reasons for those rulings on the record. The Court now confirms its oral rulings with the following written orders:

**IT IS THEREFORE ORDERED** that, with respect to Plaintiffs' Motion to Compel Production of Documents or, in the Alternative, Motion for Sanctions [#60], the parties reached an agreement that Defendants will produce unredacted copies of the Facebook Messenger text message exchanges, on the condition that the documents be designated "for attorneys' eyes only" pursuant to the terms of the Confidentiality and Protective Order [#45]. Defendants shall produce the agreed upon materials within seven days of the date of this Order. Thus, the portion of Plaintiffs' motion seeking that information is **DISMISSED AS MOOT** in light of the parties' agreement, and nothing in the ruling should be construed as a ruling on the admissibility of the information for trial purposes. In all other respects, Plaintiffs' motion is **DENIED**.

**IT IS FURTHER ORDERED** that Defendants' Motion to Compel Production of Documents or, in the Alternative, Motion for Sanctions [#60] is **GRANTED**. Plaintiffs are

instructed to produce the text messages and video described during the hearing by Thursday, March 28, 2019.

**IT IS FURTHER ORDERED** that Defendants are awarded attorneys' fees in the amount of \$400.

**IT IS SO ORDERED.**

SIGNED THIS 27TH DAY OF MARCH, 2019.



ELIZABETH S. ("BETSY") CHESTNEY  
UNITED STATES MAGISTRATE JUDGE